

# **EXHIBIT B**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAWN SOARES, TIFFANY SOARES,  
et al.,

Plaintiff(s),

vs.

COUNTY OF LOS ANGELES,  
SHERIFF JIM MCDONNELL, et al.,

Defendant(s).

CASE NO.: 2:17-cv-00924 RGK-AS

*Honorable R. Gary Klausner*

PLAINTIFF ALISSA  
VARNEDOE'S RESPONSES TO  
DEFENDANT SHERIFF JIM  
MCDONNELL'S SPECIAL  
INTERROGATORIES-SET ONE

**PROPOUNDING PARTY:** Defendant SHERIFF JIM MCDONNELL

**RESPONDING PARTY:** Plaintiff ALISSA VARNEDOE

**SET NUMBER:** ONE

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**PRELIMINARY STATEMENT**

These Responses to plaintiffs' Request for Special Interrogatories are made solely for the purpose of this action. Each response is subject to all appropriate objections (including, but not necessarily limited to objections concerning competency, relevancy, materiality, propriety, and admissibility), which requires the exclusion of any statement contained herein if this demand for inspection of documents were asked of, or any statement made herein was made by a witness present and testifying in court. All such objections and grounds are reserved and may be interposed at time of trial.

Responding party has not fully completed its investigation of the facts relating to this case, has not completed discovery in this action, and has not completed preparation for trial. All of the responses contained herein are based only upon such information which is presently available and specifically known to the Responding Party.

Except for the explicit facts admitted herein, no admissions of any nature whatsoever are implied or should be inferred. The fact that any Special Interrogatory has been responded to should not be taken as admission or acceptance of existence of any facts set forth or assumed by such response or that such response constitutes admissible evidence.

The following Responses to Special Interrogatories are furnished without prejudice to the right of the Responding Party to provide supplemental or amended responses on any subsequently discovered fact or facts inadvertently overlooked.

At this time as far as known, the Responding Party responds as follows:

**RESPONSES TO SPECIAL INTERROGATORIES-SET ONE**

**SPECIAL INTERROGATORIES NO. 1:**

Identify with specificity any official policy, practice or custom of  
**DEFENDANT COUNTY OF LOS ANGELES** pursuant to which **YOU** contend

1 **DEFENDANTS** were acting at the time of the **INCIDENT**.

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

3 Plaintiffs allege Defendants grossly violated the 4<sup>th</sup> & 14<sup>th</sup> Amendment to  
4 the U.S. Constitution as well as the training and standards involved in making  
5 searches and seizures of subjects, and especially in using the "burn safe" device in  
6 the manner described herein, which also violated standard training, established  
7 legal precedent, and manufacturer guidelines concerning the use of the massive  
8 gassing. These violations by Defendants caused Decedent's death.

9 Defendants, acting under color of law, and without due process of law  
10 deprived Plaintiffs of their right to a familial relationship by seizing Decedent by  
11 use of unreasonable, unjustified, and/or deadly force and violence, causing injuries  
12 which resulted in Decedent's death, all without provocation and did attempt to  
13 conceal their extraordinary use of force and hide the true cause of Decedent's  
14 demise to deprive Plaintiffs of their right to seek redress, all in violation of rights,  
15 privileges, and immunities secured by the Fourth and Fourteenth Amendments to  
16 the United States Constitution.

17 Plaintiffs allege that high-ranking COUNTY OF LOS ANGELES officials,  
18 including high ranking police supervisors such as Defendant MCDONNELL and  
19 EWELL, knew and/or reasonably should have known about repeated acts of  
20 misconduct by Defendants.

21 Despite having such notice, Plaintiffs allege that Defendants MCDONNELL  
22 and EWELL approved, ratified, condoned, encouraged, sought to cover up, and/or  
23 tacitly authorized the continuing pattern and practice of misconduct and/or civil  
24 rights violations by said defendants. The LASD had a history of racial animus and  
25 had been cited by the United States Department of Justice for the pattern of  
26 aggressive, excessive force on African American and Section 8 Housing to African  
27 Americans.

1 Specifically, Commander PATRICK MAXWELL had a history and  
2 reputation at the Los Angeles County Sheriff's Department for using excessive  
3 force against suspects. Commander PATRICK MAXWELL has been involved in  
4 countless incidents of excessive force, including multiple incidents similar to here  
5 where Deputies caused a barricaded suspect to be burned alive due to the use of  
6 gas and other devices, such as road flares. Despite PATRICK MAXWELL's  
7 repeated use of excessive force, PATRICK MAXWELL was promoted and made  
8 Commander at the Los Angeles County Sheriff's Department and given the duty to  
9 formulate and implement SWAT plans and tactics.

10 Plaintiffs are further informed and believe and thereon allege that as a result  
11 of the deliberate indifference, reckless and/or conscious disregard of the  
12 misconduct by Commander PATRICK MAXWELL, Defendant, Commander  
13 PATRICK MAXWELL, ratified and encouraged these officers to continue their  
14 course of misconduct and caused these officers' lack of training, resulting in the  
15 violation of the Plaintiffs' and Decedent's rights as alleged herein.

16 Plaintiffs further allege Defendants were on notice of Constitutional defects  
17 in their training of COUNTY OF LOS ANGELES peace officers, including, but  
18 not limited to, in the deployment, placement, use, and/or ignition of the smoke  
19 grenade, responding to mentally impaired or intoxicated subjects, responding to  
20 barricaded subjects, and in providing for medical care for subjects placed in harm  
21 or jeopardy by the actions COUNTY OF LOS ANGELES peace officers.

22 The aforementioned acts and/or omissions and/or deliberate indifference by  
23 high ranking COUNTY OF LOS ANGELES officials, including high ranking  
24 COUNTY OF LOS ANGELES Sheriff's Department supervisors, Defendants  
25 SHERIFF JIM MCDONNELL, resulted in the deprivation of Plaintiffs' and  
26 Decedents constitutional rights including, but not limited to, the following:

1                   a.     The right to be free from unreasonable searches and  
2 seizures, as guaranteed by the Fourth and Fourteenth Amendments to the United  
3 States Constitution;

4                   b.     The right to a familial relationship, as guaranteed by the  
5 Fourteenth Amendment to the United States Constitution.

6           Said rights are substantive guarantees under the Fourth and/or Fourteenth  
7 Amendments to the United States Constitution.

8 **SPECIAL INTERROGATORY NO. 2:**

9           Identify all **DOCUMENTS** that support **YOUR** contention of the existence  
10 of an official policy, practice or custom of **DEFENDANT COUNTY OF LOS**  
11 **ANGELES** pursuant to which **DEFENDANTS** were acting at the time of the  
12 **INCIDENT**.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

14           Plaintiff objects to this request in that it is premature. Discovery is in its  
15 infancy, and limited testimony has been taken in this case. Furthermore, defendants  
16 have yet to fully produce its files, which are expected to contain the evidence that  
17 will enable plaintiff to more fully support plaintiffs' contentions. Plaintiffs'  
18 contentions are based on information and belief following review and analysis of  
19 the information available prior to litigation and in consultation with expert  
20 witnesses and/or consultants. Plaintiff is informed and believes that facts  
21 supportive of the contentions in plaintiffs' complaint will become known as  
22 discovery unfolds and testimony is taken.

23           Without waiving and subject to these objections, plaintiff responds: Plaintiff  
24 identifies documents, photographs and audio and video recordings identified  
25 and/or produced by defendants in their Rule 26 disclosure and supplemental  
26 disclosure, as well as the LA DA's Report, photographs, the autopsy report of  
27 decedent, as well as additional documents in defendants' possession, custody or  
28

1 control not yet produced.

2 **SPECIAL INTERROGATORY NO. 3:**

3 State all facts upon which **YOU** base **YOUR** contention that **DEFENDANT**  
4 **SHERIFF JIM McDONNELL** "was notified, and approved and ratified the plan  
5 to throw in excess of fourteen (14) canisters of gas and a gas bomb into the house  
6 where Decedent was residing to 'smoke' Decedent out from inside the residence"  
7 as alleged in Paragraph 27 of the First Amended Complaint.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

9 In connection with serving the search warrant on 46335 Gadsden Ave.,  
10 Defendant CAPTAIN EWELL, a high-ranking Captain in the LOS ANGELES  
11 County Sheriff's Department, determined that the Sheriff's Department  
12 SWAT/SEB Team should be deployed to effect entry into the residence. Defendant  
13 Commander PATRICK MAXWELL formulated, approved, ratified, and advised  
14 Deputies of the plan and SHERIFF MCDONNELL was notified, and approved and  
15 ratified the plan to throw in excess of fourteen (14) canisters of gas and a gas bomb  
16 into the house where Decedent was residing to "smoke" Decedent out from inside  
17 the residence. Knowing that throwing in excess of fourteen (14) canisters of gas  
18 was likely to suffocate Decedent and spark a fire, PATRICK MAXWELL devised,  
19 approved, and ratified the plan to throw the many gas canisters inside the home as  
20 a way to intentionally harm Decedent. EWELL condoned and ratified the  
21 excessive use of gas and unsafe incendiary devices, which he knew or should have  
22 known would cause a fatal fire. Captain EWELL was also aware of Commander  
23 MAXWELL's penchant and history of burning barricaded suspects to death by the  
24 use of chemical agents and pyrotechnics but went along with the deadly plan  
25 anyway. Sheriff MCDONNELL knew or should have known Commander  
26 MAXWELL had a penchant and history of burning barricaded suspects as well.

1 **SPECIAL INTERROGATORY NO. 4:**

2 Identify all **DOCUMENTS** that support **YOUR** contention that  
 3 **DEFENDANT SHERIFF JIM McDONNELL** “was notified, approved and  
 4 ratified the plan to throw in excess of fourteen (14) canisters of gas and a gas bomb  
 5 into the house where Decedent was residing to ‘smoke’ Decedent out from inside  
 6 the residence” as alleged in Paragraph 27 of the First Amended Complaint.

7 **RESPONSE TO SPECIAL INTERROGATORY 4:**

8 Plaintiff objects to this request in that it is premature. Discovery is in its  
 9 infancy, and limited testimony has been taken in this case. Furthermore, defendants  
 10 have yet to fully produce its files, which are expected to contain the evidence that  
 11 will enable plaintiff to more fully support plaintiffs’ contentions. Plaintiffs’  
 12 contentions are based on information and belief following review and analysis of  
 13 the information available prior to litigation and in consultation with expert  
 14 witnesses and/or consultants. Plaintiff is informed and believes that facts  
 15 supportive of the contentions in plaintiffs’ complaint will become known as  
 16 discovery unfolds and testimony is taken.

17 Without waiving and subject to these objections, plaintiff responds: Plaintiff  
 18 identifies documents, photographs and audio and video recordings identified  
 19 and/or produced by defendants in their Rule 26 disclosure and supplemental  
 20 disclosure, as well as the LA DA’s Report, photographs, the autopsy report of  
 21 decedent, as well as additional documents in defendants’ possession, custody or  
 22 control not yet produced.

23 **SPECIAL INTERROGATORY NO. 5:**

24 State all facts upon which **YOU** base **YOUR** contention that **DEFENDANT**  
 25 **SHERIFF JIM McDONNELL** “knew or should have known Commander  
 26 **MAXWELL** had a penchant of burning barricaded suspects as well” as alleged in  
 27 Paragraph 27 of the First Amended Complaint.

**RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

In connection with serving the search warrant on 46335 Gadsden Ave., Defendant CAPTAIN EWELL, a high-ranking Captain in the LOS ANGELES County Sheriff's Department, determined that the Sheriff's Department SWAT/SEB Team should be deployed to effect entry into the residence. Defendant Commander PATRICK MAXWELL formulated, approved, ratified, and advised Deputies of the plan and SHERIFF MCDONNELL was notified, and approved and ratified the plan to throw in excess of fourteen (14) canisters of gas and a gas bomb into the house where Decedent was residing to "smoke" Decedent out from inside the residence. Knowing that throwing in excess of fourteen (14) canisters of gas was likely to suffocate Decedent and spark a fire, PATRICK MAXWELL devised, approved, and ratified the plan to throw the many gas canisters inside the home as a way to intentionally harm Decedent. EWELL condoned and ratified the excessive use of gas and unsafe incendiary devices, which he knew or should have known would cause a fatal fire. Captain EWELL was also aware of Commander MAXWELL's penchant and history of burning barricaded suspects to death by the use of chemical agents and pyrotechnics but went along with the deadly plan anyway. Sheriff MCDONNELL knew or should have known Commander MAXWELL had a penchant and history of burning barricaded suspects as well.

**SPECIAL INTERROGATORY NO. 6:**

Identify all **DOCUMENTS** that support **YOUR** contention that **DEFENDANT SHERIFF JIM McDONNELL** "knew or should have known Commander MAXWELL had a penchant of burning barricaded suspects as well" as alleged in Paragraph 27 of the First Amended Complaint.

**RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

Plaintiff objects to this request in that it is premature. Discovery is in its infancy, and limited testimony has been taken in this case. Furthermore, defendants

1 have yet to fully produce its files, which are expected to contain the evidence that  
 2 will enable plaintiff to more fully support plaintiffs' contentions. Plaintiffs'  
 3 contentions are based on information and belief following review and analysis of  
 4 the information available prior to litigation and in consultation with expert  
 5 witnesses and/or consultants. Plaintiff is informed and believes that facts  
 6 supportive of the contentions in plaintiffs' complaint will become known as  
 7 discovery unfolds and testimony is taken.

8 Without waiving and subject to these objections, plaintiff responds: Plaintiff  
 9 identifies documents, photographs and audio and video recordings identified  
 10 and/or produced by defendants in their Rule 26 disclosure and supplemental  
 11 disclosure, as well as the LA DA's Report, photographs, the autopsy report of  
 12 decedent, as well as additional documents in defendants' possession, custody or  
 13 control not yet produced.

14 **SPECIAL INTERROGATORY NO. 7:**

15 State all acts, omissions or evidence of deliberate indifference on the part of  
 16 **DEFENDANT SHERIFF JIM McDONNELL** which YOU contend resulted in  
 17 the deprivation of Plaintiffs' and/or Decedents' constitutional rights as alleged in  
 18 Paragraph 57 of the First Amended Complaint.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

20 Plaintiffs allege that high-ranking COUNTY OF LOS ANGELES officials,  
 21 including high ranking police supervisors such as Defendant MCDONNELL,  
 22 EWELL, knew and/or reasonably should have known about repeated acts of  
 23 misconduct by Defendants, and/or each of them.

24 Despite having such notice, Plaintiffs allege that Defendants  
 25 MCDONNELL, EWELL, and/or each of them, approved, ratified, condoned,  
 26 encouraged, sought to cover up, and/or tacitly authorized the continuing pattern  
 27 and practice of misconduct and/or civil rights violations by said defendants. The  
 28

1 LASD had a history of racial animus and had been cited by the United States  
2 Department of Justice for the pattern of aggressive, excessive force on African  
3 American and Section 8 Housing to African Americans.

4 Specifically, Commander PATRICK MAXWELL had a history and  
5 reputation at the Los Angeles County Sheriff's Department for using excessive  
6 force against suspects. Commander PATRICK MAXWELL has been involved in  
7 countless incidents of excessive force, including multiple incidents similar to here  
8 where Deputies caused a barricaded suspect to be burned alive due to the use of  
9 gas and other devices, such as road flares. Despite PATRICK MAXWELL's  
10 repeated use of excessive force, PATRICK MAXWELL was promoted and made  
11 Commander at the Los Angeles County Sheriff's Department and given the duty to  
12 formulate and implement SWAT plans and tactics.

13 Plaintiffs allege that as a result of the deliberate indifference, reckless and/or  
14 conscious disregard of the misconduct by, Commander PATRICK MAXWELL,  
15 Defendant, Commander PATRICK MAXWELL, ratified and encouraged these  
16 officers to continue their course of misconduct and caused these officers' lack of  
17 training, resulting in the violation of the Plaintiffs' and Decedent's rights as alleged  
18 herein.

19 Plaintiffs further allege Defendants, were on notice of Constitutional defects  
20 in their training of COUNTY OF LOS ANGELES peace officers, including, but  
21 not limited to, in the deployment, placement, use, and/or ignition of the smoke  
22 grenade, responding to mentally impaired or intoxicated subjects, responding to  
23 barricaded subjects, and in providing for medical care for subjects placed in harm  
24 or jeopardy by the actions COUNTY OF LOS ANGELES peace officers.

25 The aforementioned acts and/or omissions and/or deliberate indifference by  
26 high ranking COUNTY OF LOS ANGELES officials, including high ranking  
27 COUNTY OF LOS ANGELES Sheriff's Department supervisors, Defendants  
28

1 SHERIFF JIM MCDONNELL resulted in the deprivation of Plaintiffs' and  
 2 Decedents constitutional rights including, but not limited to, the following:

3 a. The right to be free from unreasonable searches and  
 4 seizures, as guaranteed by the Fourth and Fourteenth Amendments to the United  
 5 States Constitution;

6 b. The right to a familial relationship, as guaranteed by the  
 7 Fourteenth Amendment to the United States Constitution.

8 Said rights are substantive guarantees under the Fourth and/or Fourteenth  
 9 Amendments to the United States Constitution.

10 **SPECIAL INTERROGATORY NO. 8:**

11 Identify all **DOCUMENTS** that support **YOUR** contention that acts,  
 12 omissions or evidence of deliberate indifference on the part of **DEFENDANT**  
 13 **SHERIFF JIM McDONNELL** resulted in the deprivation of Plaintiffs' and/or  
 14 Decedents' constitutional rights as alleged in Paragraph 57 of the First Amended  
 15 Complaint.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

17 Plaintiff objects to this request in that it is premature. Discovery is in its  
 18 infancy, and limited testimony has been taken in this case. Furthermore, defendants  
 19 have yet to fully produce its files, which are expected to contain the evidence that  
 20 will enable plaintiff to more fully support plaintiffs' contentions. Plaintiffs'  
 21 contentions are based on information and belief following review and analysis of  
 22 the information available prior to litigation and in consultation with expert  
 23 witnesses and/or consultants. Plaintiff is informed and believes that facts  
 24 supportive of the contentions in plaintiffs' complaint will become known as  
 25 discovery unfolds and testimony is taken.

26 Without waiving and subject to these objections, plaintiff responds: Plaintiff  
 27 identifies documents, photographs and audio and video recordings identified  
 28

1 and/or produced by defendants in their Rule 26 disclosure and supplemental  
2 disclosure, as well as the LA DA's Report, photographs, the autopsy report of  
3 decedent, as well as additional documents in defendants' possession, custody or  
4 control not yet produced.

5 **SPECIAL INTERROGATORY NO. 9:**

6 State all facts upon which YOU base YOUR contention that DEFENDANT  
7 PATRICK MAXWELL "devised, approved, and ratified the plan to throw the  
8 many gas canisters in the home as a way to intentionally harm Decedent" as  
9 alleged in paragraph 27 of the First Amended Complaint.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

11 In connection with serving the search warrant on 46335 Gadsden Ave.,  
12 Defendant CAPTAIN EWELL, a high-ranking Captain in the LOS ANGELES  
13 County Sheriff's Department, determined that the Sheriff's Department  
14 SWAT/SEB Team should be deployed to effect entry into the residence. Defendant  
15 Commander PATRICK MAXWELL formulated, approved, ratified, and advised  
16 Deputies of the plan and SHERIFF MCDONNELL was notified, and approved and  
17 ratified the plan to throw in excess of fourteen (14) canisters of gas and a gas bomb  
18 into the house where Decedent was residing to "smoke" Decedent out from inside  
19 the residence. Knowing that throwing in excess of fourteen (14) canisters of gas  
20 was likely to suffocate Decedent and spark a fire, PATRICK MAXWELL devised,  
21 approved, and ratified the plan to throw the many gas canisters inside the home as  
22 a way to intentionally harm Decedent. EWELL condoned and ratified the  
23 excessive use of gas and unsafe incendiary devices, which he knew or should have  
24 known would cause a fatal fire. Captain EWELL was also aware of Commander  
25 MAXWELL's penchant and history of burning barricaded suspects to death by the  
26 use of chemical agents and pyrotechnics but went along with the deadly plan  
27 anyway. Sheriff MCDONNELL knew or should have known Commander  
28

1 MAXWELL had a penchant and history of burning barricaded suspects as well.

2 The LASD SWAT team or SEB surrounded the house where Decedent was  
3 staying. LASD sent a robot in the house. The robot did not detect the presence of  
4 the Decedent in the house. Despite the lack of evidence that VARNEDOE was in  
5 the house, the Defendants continued to carry out their highly dangerous plans.  
6 Based on the statements of neighbors present at the scene, Defendants reasonably  
7 believed Decedent was present inside the residence. Although Defendants were  
8 informed that Decedent might be mentally impaired or intoxicated, they received  
9 no indication that Decedent was a threat to himself or anyone else. Decedent did  
10 not or was unable to communicate with Defendants. The Defendants never  
11 provided a phone or mechanism by which the Decedent could have communicated  
12 with law enforcement.

13 The on-scene leaders of this debacle, including PATRICK MAXWELL and  
14 other Defendants, decided to order that a hot tear gas (euphemistically, somewhat  
15 misleadingly, called a "burn safe" device") be thrown inside and ignited in the  
16 front living room where Decedent was residing. The interior of the living room  
17 was visible to Defendants through a large window that faced out onto the street.  
18 Furniture, including two couches and other flammable items were also visible  
19 through the front living room.

20 Commander PATRICK MAXWELL ordered, condoned, and ratified  
21 officers to throw the many gas devices inside the home knowing it would likely  
22 start a fire and cause Decedent to be unable to exit his home. In fact, Commander  
23 PATRICK MAXWELL has implemented this tactic numerous times before and  
24 similarly caused the death of others.

25 Commander PATRICK MAXWELL also knew that the "burn safe" device  
26 used to deploy the chemical agents was an "after market" product that was  
27 dangerous and caused fires. Despite this knowledge, MAXWELL allowed this  
28

1 device to be used even though he knew the company that manufactured this device  
2 was owned and operated by a current member in his SWAT Team (Sgt. Thomas  
3 Giandomenico) who was involved in this incident.

4 Based on his experience and knowledge of chemical agents, Commander  
5 MAXWELL knew that the chemical agent used in this incident that caused this  
6 fatal fire had explicit warnings from the manufacturer that it not be used indoors  
7 due to the fact that it caused fires, yet he approved of its use anyway.

8 The reasoning of the on-scene Defendants for deploying in excess of  
9 fourteen (14) canisters of tear gas in the residence was that they had previously  
10 employed the gassing in the same manner and it had previously effectively  
11 "smoked out" people who had been hiding inside buildings where they deployed  
12 this type of firebomb. Thus, based on Defendant COUNTY's practice, and written  
13 or unwritten policy, Defendants ordered the incendiary gas canister to be thrown  
14 inside the residence, near multiple obvious fire hazards, with no immediate means  
15 available to extinguish the bomb or fires it might set inside the residence, while  
16 reasonably aware that at least one person, not believed to be armed or threatening,  
17 was inside the residence, recalcitrant to law enforcement commands to exit the  
18 residence, possibly impaired or under the influence, and likely to die should a fire  
19 be set inside the residence.

20 In order to throw the gas inside the residence, Defendant Deputies broke the  
21 front living room window, and Defendant Deputies threw the hot gas through the  
22 broken window into the front living room, on or near the two obviously flammable  
23 sofas. Any visual observation into the window of the front living room would have  
24 disclosed obvious fire hazards noted herein. Although there was no indication  
25 Decedent or anyone other than law enforcement was armed, Defendants used their  
26 firearms to provide cover for the team that broke the window and put massive  
27 amounts of gas inside the residence then placed the hot incendiary device inside.

1           The “gas plan,” as devised, condoned, approved, and ratified by Commander  
2 PATRICK MAXWELL, was initiated by LASD at 11:00 pm on February 5, 2015.  
3 Massive amounts of gas were fired into the residence. Defendant DEPUTY  
4 GEISBAUER tossed a ““burn safe”” gas. DEPUTY SALAZAR deployed a  
5 tomahawk gas thrown through the southwest bedroom window and the bathroom  
6 window. DEPUTY SALAZAR fired other rounds into the attic. DEPUTY  
7 MCNAMARA fired three additional rounds into the attic. Defendant DEPUTY  
8 RODRIQUEZ deployed a tomahawk through the window of the door on the north  
9 side of the residence. During this outrageous and unwarranted gas attack,  
10 Defendant SARGENT SEAN BURKE supervised and directed the attack.

11           Then, the Defendants simply waited. No one forced entry to ensure the  
12 device did not set a fire. No one attempted to prevent the hot gas from igniting a  
13 fire. No steps were taken in the placement of the hot gas to reduce or eliminate the  
14 possibility of a fire being set by the device’s ignition.

15           Defendants waited an extended period of time for the Fire Department  
16 arrival. The delay wasn’t because the Fire truck was a great distance from the  
17 location, but because Defendants had blocked access to the Decedent and the  
18 property. By the time the Fire Department had the fire controlled, about an hour  
19 later, Decedent was dead from smoke inhalation and other causes related to the  
20 actions of the Defendants. He had been hiding in a crawlspace above the kitchen,  
21 according to the location of his body. No weapon was found near the Decedent’s  
22 body.

23 Plaintiffs allege Defendants grossly violated the training and standards involved in  
24 making reasonable searches and seizures of subjects, and especially in using the  
25 tomahawk “burn safe” in the manner described herein, which also violated  
26 standard training, established legal precedent, and manufacturer guidelines  
27 concerning the use of the massive gassing. These violations by Defendants caused  
28

Decedent's death.

**SPECIAL INTERROGATORY NO. 10:**

Identify all **DOCUMENTS** that support **YOUR** contention that **DEFENDANT PATRICK MAXWELL** "devised, approved, and ratified the plan to throw the many gas canisters in the home as a way to intentionally harm Decedent" as alleged in paragraph 27 of the First Amended Complaint.

**RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

Plaintiff objects to this request in that it is premature. Discovery is in its infancy, and limited testimony has been taken in this case. Furthermore, defendants have yet to fully produce its files, which are expected to contain the evidence that will enable plaintiff to more fully support plaintiffs' contentions. Plaintiffs' contentions are based on information and belief following review and analysis of the information available prior to litigation and in consultation with expert witnesses and/or consultants. Plaintiff is informed and believes that facts supportive of the contentions in plaintiffs' complaint will become known as discovery unfolds and testimony is taken.

Without waiving and subject to these objections, plaintiff responds: Plaintiff identifies documents, photographs and audio and video recordings identified and/or produced by defendants in their Rule 26 disclosure and supplemental disclosure, as well as the LA DA's Report, photographs, the autopsy report of decedent, as well as additional documents in defendants' possession, custody or control not yet produced.

**SPECIAL INTERROGATORY NO. 11:**

State all facts upon which **YOU** base **YOUR** contention that **DEFENDANT "EWELL** condoned and ratified the excessive use of gas and unsafe incendiary devices, which he knew or should have known would cause a fatal fire" as alleged in Paragraph 27 of the First Amended Complaint.

**RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

In connection with serving the search warrant on 46335 Gadsden Ave., Defendant CAPTAIN EWELL, a high-ranking Captain in the LOS ANGELES County Sheriff's Department, determined that the Sheriff's Department SWAT/SEB Team should be deployed to effect entry into the residence. Defendant Commander PATRICK MAXWELL formulated, approved, ratified, and advised Deputies of the plan and SHERIFF MCDONNELL was notified, and approved and ratified the plan to throw in excess of fourteen (14) canisters of gas and a gas bomb into the house where Decedent was residing to "smoke" Decedent out from inside the residence. Knowing that throwing in excess of fourteen (14) canisters of gas was likely to suffocate Decedent and spark a fire, PATRICK MAXWELL devised, approved, and ratified the plan to throw the many gas canisters inside the home as a way to intentionally harm Decedent. EWELL condoned and ratified the excessive use of gas and unsafe incendiary devices, which he knew or should have known would cause a fatal fire. Captain EWELL was also aware of Commander MAXWELL's penchant and history of burning barricaded suspects to death by the use of chemical agents and pyrotechnics but went along with the deadly plan anyway.

**SPECIAL INTERROGATORY NO. 12:**

Identify all **DOCUMENTS** that support **YOUR** contention **DEFENDANT** "EWELL condoned and ratified the excessive use of gas and unsafe incendiary devices, which he knew or should have known would cause a fatal fire" as alleged in Paragraph 27 of the First Amended Complaint.

**RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

Plaintiff objects to this request in that it is premature. Discovery is in its infancy, and limited testimony has been taken in this case. Furthermore, defendants have yet to fully produce its files, which are expected to contain the evidence that

1 will enable plaintiff to more fully support plaintiffs' contentions. Plaintiffs'  
2 contentions are based on information and belief following review and analysis of  
3 the information available prior to litigation and in consultation with expert  
4 witnesses and/or consultants. Plaintiff is informed and believes that facts  
5 supportive of the contentions in plaintiffs' complaint will become known as  
6 discovery unfolds and testimony is taken.

7 Without waiving and subject to these objections, plaintiff responds: Plaintiff  
8 identifies documents, photographs and audio and video recordings identified  
9 and/or produced by defendants in their Rule 26 disclosure and supplemental  
10 disclosure, as well as the LA DA's Report, photographs, the autopsy report of  
11 decedent, as well as additional documents in defendants' possession, custody or  
12 control not yet produced.

13 **SPECIAL INTERROGATORY NO. 13:**

14 State all facts upon which YOU base YOUR contention that the Fire  
15 Department was delayed in its arrival at 16335 Gadsden Avenue, Lancaster  
16 "because Defendants had blocked access to the Decedent and the property" as  
17 alleged in paragraph 38 of the First Amended Complaint.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

19 Based on his experience and knowledge of chemical agents, Commander  
20 MAXWELL knew that the chemical agent used in this incident that caused this  
21 fatal fire had explicit warnings from the manufacturer that it not be used indoors  
22 due to the fact that it caused fires, yet he approved of its use anyway.

23 The reasoning of the on-scene Defendants for deploying in excess of  
24 fourteen (14) canisters of tear gas in the residence was that they had previously  
25 employed the gassing in the same manner and it had previously effectively  
26 "smoked out" people who had been hiding inside buildings where they deployed  
27 this type of firebomb. Thus, based on Defendant COUNTY's practice, and written  
28

1 or unwritten policy, Defendants ordered the incendiary gas canister to be thrown  
2 inside the residence, near multiple obvious fire hazards, with no immediate means  
3 available to extinguish the bomb or fires it might set inside the residence, while  
4 reasonably aware that at least one person, not believed to be armed or threatening,  
5 was inside the residence, recalcitrant to law enforcement commands to exit the  
6 residence, possibly impaired or under the influence, and likely to die should a fire  
7 be set inside the residence.

8 In order to throw the gas inside the residence, Defendant Deputies broke the  
9 front living room window, and Defendant Deputies threw the hot gas through the  
10 broken window into the front living room, on or near the two obviously flammable  
11 sofas. Any visual observation into the window of the front living room would have  
12 disclosed obvious fire hazards noted herein. Although there was no indication  
13 Decedent or anyone other than law enforcement was armed, Defendants used their  
14 firearms to provide cover for the team that broke the window and put massive  
15 amounts of gas inside the residence then placed the hot incendiary device inside.  
16 The "gas plan," as devised, condoned, approved, and ratified by Commander  
17 PATRICK MAXWELL, was initiated by LASD at 11:00 pm on February 5, 2015.  
18 Massive amounts of gas were fired into the residence. Defendant DEPUTY  
19 GEISBAUER tossed a ""burn safe"" gas. DEPUTY SALAZAR deployed a  
20 tomahawk gas thrown through the southwest bedroom window and the bathroom  
21 window. DEPUTY SALAZAR fired other rounds into the attic. DEPUTY  
22 MCNAMARA fired three additional rounds into the attic. Defendant DEPUTY  
23 RODRIQUEZ deployed a tomahawk through the window of the door on the north  
24 side of the residence. During this outrageous and unwarranted gas attack,  
25 Defendant SARGENT SEAN BURKE supervised and directed the attack.

26 Defendant DEPUTY PRATT, Defendant DEPUTY STADE and Defendant  
27 DEPUTY WHEELER assisted the other named defendants in the tactical  
28

1 operations and carrying out the gas attack of the residence.

2 Then, the Defendants simply waited. No one forced entry to ensure the device did  
3 not set a fire. No one attempted to prevent the hot gas from igniting a fire. No steps  
4 were taken in the placement of the hot gas to reduce or eliminate the possibility of  
5 a fire being set by the device's ignition.

6 Defendants waited an extended period of time for the Fire Department  
7 arrival. The delay wasn't because the Fire truck was a great distance from the  
8 location, but because Defendants had blocked access to the Decedent and the  
9 property. By the time the Fire Department had the fire controlled, about an hour  
10 later, Decedent was dead from smoke inhalation and other causes related to the  
11 actions of the Defendants. He had been hiding in a crawlspace above the kitchen,  
12 according to the location of his body. No weapon was found near the Decedent's  
13 body.

14 Plaintiffs allege Defendants grossly violated the training and standards  
15 involved in making reasonable searches and seizures of subjects, and especially in  
16 using the tomahawk "burn safe" in the manner described herein, which also  
17 violated standard training, established legal precedent, and manufacturer guidelines  
18 concerning the use of the massive gassing. These violations by Defendants caused  
19 Decedent's death.

20 **SPECIAL INTERROGATORY NO. 14:**

21 Identify all **DOCUMENTS** that support **YOUR** contention the Fire  
22 Department was delayed in its arrival at 16335 Gadsden Avenue, Lancaster  
23 "because Defendants had blocked access to the Decedent and the property" as  
24 alleged in Paragraph 38 of the First Amended Complaint.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 14:**

26 Plaintiff objects to this request in that it is premature. Discovery is in its  
27 infancy, and limited testimony has been taken in this case. Furthermore, defendants  
28

1 have yet to fully produce its files, which are expected to contain the evidence that  
2 will enable plaintiff to more fully support plaintiffs' contentions. Plaintiffs'  
3 contentions are based on information and belief following review and analysis of  
4 the information available prior to litigation and in consultation with expert  
5 witnesses and/or consultants. Plaintiff is informed and believes that facts  
6 supportive of the contentions in plaintiffs' complaint will become known as  
7 discovery unfolds and testimony is taken.

8 Without waiving and subject to these objections, plaintiff responds: Plaintiff  
9 identifies documents, photographs and audio and video recordings identified  
10 and/or produced by defendants in their Rule 26 disclosure and supplemental  
11 disclosure, as well as the LA DA's Report, photographs, the autopsy report of  
12 decedent, as well as additional documents in defendants' possession, custody or  
13 control not yet produced.

14 **SPECIAL INTERROGATORY NO. 15:**

15 State all facts upon which YOU base YOUR contention that "Defendants  
16 grossly violated the training and standards involved in making reasonable searches  
17 and seizures of subjects, and especially in using the tomahawk "burn safe" as  
18 alleged in Paragraph 39 of the First Amended Complaint.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

20 Based on his experience and knowledge of chemical agents, Commander  
21 MAXWELL knew that the chemical agent used in this incident that caused this  
22 fatal fire had explicit warnings from the manufacturer that it not be used indoors  
23 due to the fact that it caused fires, yet he approved of its use anyway.

24 The reasoning of the on-scene Defendants for deploying in excess of  
25 fourteen (14) canisters of tear gas in the residence was that they had previously  
26 employed the gassing in the same manner and it had previously effectively  
27 "smoked out" people who had been hiding inside buildings where they deployed  
28

1 this type of firebomb. Thus, based on Defendant COUNTY's practice, and written  
2 or unwritten policy, Defendants ordered the incendiary gas canister to be thrown  
3 inside the residence, near multiple obvious fire hazards, with no immediate means  
4 available to extinguish the bomb or fires it might set inside the residence, while  
5 reasonably aware that at least one person, not believed to be armed or threatening,  
6 was inside the residence, recalcitrant to law enforcement commands to exit the  
7 residence, possibly impaired or under the influence, and likely to die should a fire  
8 be set inside the residence.

9 In order to throw the gas inside the residence, Defendant Deputies broke the  
10 front living room window, and Defendant Deputies threw the hot gas through the  
11 broken window into the front living room, on or near the two obviously flammable  
12 sofas. Any visual observation into the window of the front living room would have  
13 disclosed obvious fire hazards noted herein. Although there was no indication  
14 Decedent or anyone other than law enforcement was armed, Defendants used their  
15 firearms to provide cover for the team that broke the window and put massive  
16 amounts of gas inside the residence then placed the hot incendiary device inside.  
17 The "gas plan," as devised, condoned, approved, and ratified by Commander  
18 PATRICK MAXWELL, was initiated by LASD at 11:00 pm on February 5, 2015.  
19 Massive amounts of gas were fired into the residence. Defendant DEPUTY  
20 GEISBAUER tossed a "burn safe" gas. DEPUTY SALAZAR deployed a  
21 tomahawk gas thrown through the southwest bedroom window and the bathroom  
22 window. DEPUTY SALAZAR fired other rounds into the attic. DEPUTY  
23 MCNAMARA fired three additional rounds into the attic. Defendant DEPUTY  
24 RODRIQUEZ deployed a tomahawk through the window of the door on the north  
25 side of the residence. During this outrageous and unwarranted gas attack,  
26 Defendant SARGENT SEAN BURKE supervised and directed the attack.

27 Defendant DEPUTY PRATT, Defendant DEPUTY STADE and Defendant  
28

1 DEPUTY WHEELER assisted the other named defendants in the tactical  
2 operations and carrying out the gas attack of the residence.  
3 Then, the Defendants simply waited. No one forced entry to ensure the device did  
4 not set a fire. No one attempted to prevent the hot gas from igniting a fire. No steps  
5 were taken in the placement of the hot gas to reduce or eliminate the possibility of  
6 a fire being set by the device's ignition.

7 Defendants waited an extended period of time for the Fire Department  
8 arrival. The delay wasn't because the Fire truck was a great distance from the  
9 location, but because Defendants had blocked access to the Decedent and the  
10 property. By the time the Fire Department had the fire controlled, about an hour  
11 later, Decedent was dead from smoke inhalation and other causes related to the  
12 actions of the Defendants. He had been hiding in a crawlspace above the kitchen,  
13 according to the location of his body. No weapon was found near the Decedent's  
14 body.

15 Plaintiffs allege Defendants grossly violated the training and standards  
16 involved in making reasonable searches and seizures of subjects, and especially in  
17 using the "burn safe" in the manner described herein, which also violated standard  
18 training, established legal precedent, and manufacturer guidelines concerning the  
19 use of the massive gassing. These violations by Defendants caused Decedent's  
20 death.

21 **SPECIAL INTERROGATORY NO. 16:**

22 Identify all **DOCUMENTS** that support **YOUR** contention "Defendants  
23 grossly violated the training and standards involved in making reasonable searches  
24 and seizures of subjects, and especially in using the tomahawk "burn safe" as  
25 alleged in Paragraph 39 of the First Amended Complaint.

**RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

Plaintiff objects to this request in that it is premature. Discovery is in its infancy, and limited testimony has been taken in this case. Furthermore, defendants have yet to fully produce its files, which are expected to contain the evidence that will enable plaintiff to more fully support plaintiffs' contentions. Plaintiffs' contentions are based on information and belief following review and analysis of the information available prior to litigation and in consultation with expert witnesses and/or consultants. Plaintiff is informed and believes that facts supportive of the contentions in plaintiffs' complaint will become known as discovery unfolds and testimony is taken.

Without waiving and subject to these objections, plaintiff responds: Plaintiff identifies documents, photographs and audio and video recordings identified and/or produced by defendants in their Rule 26 disclosure and supplemental disclosure, as well as the LA DA's Report, photographs, the autopsy report of decedent, as well as additional documents in defendants' possession, custody or control not yet produced.

Dated: January 2, 2017

WAGNER & PELAYES, LLP



TRISTAN G. PELAYES, ESQ.  
JACOB P. MENICUCCI, ESQ.  
Attorneys for Plaintiffs

**VERIFICATION**

State of California, County of Los Angeles

I have read the foregoing PLAINTIFF ALISSA VARNEDOE'S  
RESPONSES TO DEFENDANT SHERIFF JIM MCDONNELL'S SPECIAL  
INTERROGATORIES-SET ONE and know its contents.

I am a party to this action. The matters stated in it are true of my own  
knowledge except as to those matters which are stated on information and belief,  
and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California  
and the United States of America, that the foregoing is true and correct.

Executed on this 31 day of December 2017 in Los Angeles, California.

  
ALISSA VARNEDOE

**PROOF OF SERVICE**

STATE OF CALIFORNIA }  
COUNTY OF RIVERSIDE } ss:

I, the undersigned, declare:

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to this action; my business address is 1325 Spruce Street, Suite 200, Riverside, California 92507.

On the date written below, I served the document named below on the parties indicated below, in the following manner:

☒ **(By Mail)** I am familiar with this office's practice for the collection and processing of documents for mailing with the United States Postal Service. The documents are deposited with the United States Postal Service on the same day in the ordinary course of business. I placed a true copy of the document thereof in a sealed envelope and caused said document(s) to be delivered in this manner.

**DOCUMENT: PLAINTIFF ALISSA VARNEDOE'S RESPONSES TO  
DEFENDANT SHERIFF JIM MCDONNELL'S  
SPECIAL INTERROGATORIES-SET ONE**

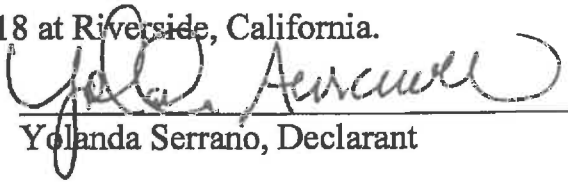
**PARTIES SERVED:**

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Phone: (213) 385-9852  
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dougday@beckslaw.com

*Attorneys for Defendants*

☒ **(FEDERAL)** I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 2, 2018 at Riverside, California.

  
Yolanda Serrano, Declarant